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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,927	12/03/2003	John Rexroad	PHLV0736-044	7011
26948 7590 05/12/2009 VENABLE, CAMPILLO, LOGAN & MEANEY, P.C. 1938 E. OSBORN RD PHOENIX, AZ 85016-7234				
EXAMINER QUINN, COLLEEN M				
ART UNIT 3634		PAPER NUMBER		
NOTIFICATION DATE 05/12/2009		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@vclmlaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* JOHN REXROAD

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Application 10/727,927  
Technology Center 3634

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Mailed: May 11, 2009

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Before Delores Lowe, *Review Team Paralegal*  
Lowe, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL

This application was received electronically at the Board of Patent Appeals and Interferences on June 26, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

On March 19, 2008, the Examiner mailed a communication acknowledging receipt of Appellant's Reply Brief, dated January 22, 2008. A review of this communication reveals that the Examiner did not provide proper acknowledgment. The comments made by the Examiner constitute a Supplemental Examiner's Answer. In accordance with MPEP § 1207.05, all supplemental examiner's answers must be approved by a Technology Center (TC) Director or designee. The Communication mailed March 19, 2008, was not signed by the Technology Center Director or designee.

Accordingly, it is

**ORDERED** that the application is returned to the Examiner:

- 1) either vacate the Supplemental Examiner's Answer mailed March 19, 2008 or revise the Supplemental Examiner's Answer by acquiring the Technology Center Director's approval on such;
- 2) have a complete copy of the revised Supplemental Examiner's Answer scanned into the record if applicable; and
- 3) for such further action as may be appropriate.

Application No. 10/727,927

If there are any questions pertaining to this order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

/DAL/

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